

## भसाधारण EXTRAORDINARY

भाग II—चण्ड 2 PART II—Section 2

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# इस भाग में भिन्न, पूछ्ठ संख्या वी जाती ही जिससे कि यह अलग संकलन को कप में रका का सके।

Separate paging is given to this Part in order that it may be filed as a separate compliation.

# RAJYA SABHA

4 The following Bill was introduced in the Rajya Sabha on the 4th November, 1988:—

#### BILL No. XXXVIII of 1988

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

- 1. (1) This Act may be called the Constitution (Amendment) Act, 1988.
- Short title and common cement.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
  - 2. In the Tenth Schedule to the Constitution,-
    - (a) in paragraph 2, sub-paragraph (1),—
    - (i) in clause (b), after the word "abstention" the word "or" shall be inserted;
    - (ii) efter clause (b) the following clause shall be inserted, namely:—
      - "(e) if he participates in a meeting convened by any other political party to make a common cause with the

Amendment of Tenth Schedule party opposing the political party to which he belongs, or otherwise acts in a manner which demonstrates severance of association with his party:

Provided that an opinion expressed by him, which may be different from, or at variance with the known or expressed ideology or policy of the political party to which he belongs, shall not be construed as opposing his party, or severing association with his party.

- (2) In paragraph 8, sub-paragraph (1), after clause (b), the following clause shall be inserted, namely:—
  - "(bb) the report which may be made alleging the incurring of the disqualification by a member under clause (c) of sub-paragraph (1) of paragraph 2;".

## STATEMENT OF OBJECTS AND REASONS

The Constitution (Fifty-second Amendment) Act, 1985 and the Government of Union Territories (Amendment) Act, 1986 were enacted to deal effectively and decisively with the menacing phenomenon of 'defection' by the elected representatives of the People in Parliament, in the State Legislatures and similar bodies in Union Territories.

This salutory provision was universally acclaimed as a major step to cleanse the public life. Experience has, however, shown a lacuna in the actual working of this new constitutional mandate. There are instances where a Member of a House, on falling apart from the political party to which he belongs, associates himself actively with other political party to work and fight against the former, but does not formally give up his membership of the political party to which he belongs and even follows its 'whips' in the House, lest he loses his membership of that House.

Political dissent is the essence of a free society and a vibrant democracy, but it is equally imperative that the representatives of the people demonstrate a firm commitment to value-based politics. An instance like the one referred to above, makes a mockery of the lofty principles which prompted the addition of the Tenth Schedule to the Constitution.

While there is a need to plug the loophole that admits circumvention of anti-defection measures and exposes to contempt a sound Constitutional and moral tenet, it is also necessary to scrupulously safeguard the right of a Member to express and propagate any view different from the general view of the political party to which he belongs.

This Bill seeks to achieve these objectives by amending the Tenth Schedule to the Constitution.

PAWAN KUMAR BANSAL.

SUDARSHAN AGARWAL, Secretary-General.